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STATE DOCUMENTS

# TESTIMONY OF THE STATE OF MONTANA
# ON THE APPORTIONMENT OF WATERS OF THE POPLAR RIVER

PUBLIC HEARINGS

MAY 26, SCOBEY, MONTANA

MAY 27, CORONACH, SASK.

SUBMITTED BY

BILL CHRISTIANSEN

LIEUTENANT GOVERNOR

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May 25, 1976

SUMMARY STATEMENT OF BILL CHRISTIANSEN
LIEUTENANT GOVERNOR OF THE STATE OF MONTANA

Mr. Chairman, Members of the International Joint Commission: My name is Bill Christiansen. I am the Lieutenant Governor of the State of Montana. Governor Judge has given me the direct responsibility for representing Montana's interest in both the Poplar River and the Cabin Creek negotiations which are presently ongoing with our Canadian neighbors. In the instance of saving time, Mr. Orrin Ferris and I are jointly presenting an executive summary of the more detailed statement and supportive exhibits contributed by several departments of Montana Government. For the record, we have submitted 30 copies of this more detailed information.

I fully recognize that your Rules of Procedure "Hearings Rule 29-5" states "at a hearing the governments and person interested are entitled to present in person, or by counsel, oral and documentary evidence and argument that is relevant and material to any matter that is within the published purpose of the hearing". There is no doubt in my mind that some of the following information is not strictly within the scope of that rule, but I am asking the indulgence of the Commission to go briefly beyond the literal interpretation of the rule.

The following statement is presented on behalf of Governor Judge and the Executive Branch of Montana Government. Governor Judge regrets that his schedule does not allow him to attend these hearings today.

Montana Government has taken an active role, since late in the year 1974, in the compilation and evaluation of data contained in the Main Report and the Appendices regarding the Saskatchewan Power Corporation's Poplar River Project. I personally have been involved as a member of the task force authorized by the Red River Souris Engineering Board to make recommendations for an apportionment of waters in the Poplar River Basin.

Let me emphasize that the apportionment reference which appears in the Main Report and to which I was a signatory, is strictly a recommendation which must survive the scrutiny of the Red River Souris Engineering Board, the International Joint Commission, and the ratification of the U.S. Department of State and the Department of External Affairs of Canada before it officially will be in full force and effect.

Water Quality

The State of Montana is disappointed that the term of reference as defined by the International Joint Commission did not include water quality. At the initial meeting of the task force, our United States members took the unanimous position that water quality should be included, and I am entering in the record supportive evidence regarding that position.

The following is excerpted from the minutes of the meeting in Billings, Montana, on May 29, 1975.

> "1-08 Water Quality: The suggested terms of reference did not require that the Task Force consider water quality aspects in the study on apportionment. The State of Montana felt strongly that water quality should be an integral part of the apportionment study.

> "It is the opinion of the State of Montana (and concurred in by the USBR and USGS representatives of the USA delegation) that an apportionment study cannot properly be concluded without considering water quality. * * * It is felt by the US delegation that this task force should be allowed to consider water quality as it relates to apportionment. There may be potential water quality problems that necessarily could only be solved by proper apportionment of the water.
>
> "It is quite possible that a mutually acceptable apportionment could be made based on 'water quantity' alone but would not be (mutually acceptable) on the basis of 'water quality'.
>
> "The Canadian delegation recognized the importance of gathering baseline information on water quality in Canada and United States so that future changes can be monitored. * * * It was decided to refer Montana's concerns on water quality to the Engineering Board at the June 2, 1975 meeting in Denver."

As you can conclude from the above excerpts, Montana and other members of the United States section made a strong plea at the Denver, June 2, meeting with the Red River Souris Engineering Board for the expansion of the reference to include water quality. We are pleased that diplomatic notes are being exchanged with our Canadian friends that we hope will result in the early inclusion of an International Joint Commission reference on water quality.

Montana fully supports the concept and content of the apportionment recommendation regarding the Poplar River waters. However, I must reemphasize that our endorsement of that recommendation is contingent upon an indication by the International Joint Commission that the apportionment agreement will not in any way preclude future negotiations in resolving water quality issues.

Waters in the Poplar River Basin contain relatively high concentrations of dissolved substances. Depletion within the Basin for evaporative cooling,

irrigation and from reservoir evaporation will cause an increase in the concentrations of dissolved substances in the remaining water. Present uses of Poplar River Basin waters include stock watering, domestic use, recreation and support of a productive fishery. These waters also are used for irrigation, although the dissolved solids make them marginal for that use.

Montana is concerned that the quality of the Poplar River waters will be reduced as a direct result of industrial operations. Canadian simulations of the effects of industrial water use have indicated that concentrations of dissolved substances will increase by 40 percent on the average. In dry years, such concentrations are expected to more than double.

The impacts of such effects cannot be accurately predicted with the present data base. Preliminary predictions indicate severe impacts on irrigation and fisheries with probable lesser impacts upon stock watering, domestic use and recreation.

Although Montana is usually known for exceptional trout fishing streams in Western and Central Montana, we are just as proud and protective of our Eastern prairie streams.

The Poplar River is such a stream. We are gravely concerned for its future. Prairie streams, by their very nature, are fragile and consequently vulnerable to changes in the natural order of things. Typically, they are small rivers draining immense country and subject to wide natural variation in flows. These variations shape their channels, scour the long, deep pools and recharge the flood plain aquifers. During the predictable dry period of late summer and the long winter, these features of the typical prairie stream sustain the aquatic life of the system. The slow draining of the aquifer sustains the aquatic

community in dry periods; the deep pools provide protection and habitat for what we are learning is an important fishery resource. Any substantial alteration of this normal sequence of events threatens the entire river system we are committed to protecting.

Over the years, Montanans have learned to live with this natural system, using it to water their livestock, irrigate their crops and appreciate and utilize the varied fish and wildlife resource it provides. The people of Northeastern Montana have done this without seriously degrading or impairing the natural gift and amenities that the Poplar River represents.

Montana, in cooperation with federal agencies, is attempting to put together a surface water quality monitoring network that will be adequate to make the judgments for which it is intended. We have information that our Canadian counterparts are doing the same thing. We also are in the process of expanding our groundwater quality monitoring system and will be pleased to share information from both our surface and groundwater networks. It is our hope that the International Joint Commission will appoint a water quality monitoring board with the authority to take immediate action if adverse water quality data indicates problems. In addition, we are preparing budgets to seek funding for soil sampling on both irrigated ground and drylands.

The State of Montana agrees with the conclusion arrived at by the legal staff of the United States Department of State that approval by the State Department of any allocation agreement on the Poplar River Basin is a major action and should be subject to all requirements of the National Environmental Policy Act. This will provide an opportunity for public input, review and comment on environmental impact statements developed to study and evaluate

the effects of alternatives to the recommendations before an allocation agreement is ratified.

I wish to ask the indulgence of the commissioners to stray even further from the literal intent of the Rules of Procedure and suggest that the Canadian Government join us in a bilateral effort to produce an environmental impact statement that will include all potential transboundary effects of all facets of the Saskatchewan Power Corporation's Poplar River development. Recent information indicates Saskatchewan air quality standards have been upgraded. We commend the officials involved for this positive action.

Although there has been some indication that plant number one will not violate Montana's or the United States' air pollution standards, there is no doubt in the minds of anyone here that there will be adverse air quality effects from the effluents produced by the plant and its ancillary facilities. Montana encourages the Saskatchewan Power Corporation to use the latest state of the art controls for both particulate and gaseous emissions. With this technology, air in Montana will not be deteriorated to the extent that any industrial development on our side of the border which would obviously have to conform to Montana air quality laws, would be precluded. This would not be the case if the existing pollution abatement equipment now proposed were used, since any further development in Montana might then violate the "Class II" non-degradation standards. Additional pertinent information is presented in our written testimony. There is also reason to suspect that emissions from the proposed plant will have negative effects upon human health. Vital statistics from the Scobey and surrounding areas indicate high rates of respiratory and circulatory diseases -- diseases which can be aggravated by air pollution.

Let me state with emphasis that Mr. Orrin Ferris, my alternate on the task force, who is the Administrator of the Water Resources Division of the Department of Natural Resources and Conservation, had far and away more input into the technical discussions than have I and, for the record, I wish to commend him on behalf of the Governor and the citizens of Montana for the excellent and professional job he has done and will continue to do in future investigations regarding water quality which must get underway immediately. Other state employees from various departments of Montana Government also have made valuable contributions.

MEMBERS OF THE INTERNATIONAL JOINT COMMISSION:

MY NAME IS ORRIN FERRIS. I AM THE ADMINISTRATOR OF THE WATER RESOURCES DIVISION OF THE MONTANA STATE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION. AS THE LT. GOVERNOR INDICATED EARLIER, I WAS HIS ALTERNATE ON THE POPLAR RIVER TASK FORCE.

ALTHOUGH IT WAS NOT CLEAR DURING TASK FORCE NEGOTIATIONS AND STILL IS NOT CLEAR EXACTLY HOW WATER QUALITY AND CERTAIN OTHER ISSUES MIGHT BE RESOLVED, THE STATE CONDITIONALLY RECOMMENDS THAT THE PROPOSED APPORTIONMENT AGREEMENT BEING CONSIDERED HERE TODAY BE ADOPTED BY THE INTERNATIONAL JOINT COMMISSION. THE STATE OF MONTANA HAS CONTINUALLY HELD THAT WATER QUALITY SHOULD BE CONSIDERED AS PART OF THE WORK OF THE POPLAR RIVER TASK FORCE ON WATER APPORTIONMENT. EVEN THOUGH THIS WAS NOT ALLOWED AND BECAUSE THE STATE FEELS IT IS IMPORTANT TO REACH AN AGREEMENT AS SOON AS POSSIBLE WE CONTINUED TO WORK WITH THE TASK FORCE IN AN ATTEMPT TO COMPLETE A PROPOSED WATER APPORTIONMENT. MONTANA'S APPROVAL OF THIS AGREEMENT IS BASED ON THE CONDITION THAT IT IS MADE CLEAR BY THE INTERNATIONAL JOINT COMMISSION THAT THE APPORTIONMENT AGREEMENT WILL NOT IN ANY WAY PRECLUDE FUTURE NEGOTIATIONS FOR SETTLEMENT OF THE WATER QUALITY ISSUES.

FOR THE BENEFIT OF THE COMMISSION AND THE OTHER INTERESTED PARTIES IN THIS MATTER, MOST SPECIFICALLY RESIDENTS OF THE POPLAR RIVER BASIN, I WOULD LIKE TO POINT OUT SOME OF THE ADVANTAGES I SEE IN THE PROPOSED AGREEMENT. IT WAS FELT BY

THE U.S. MEMBERS FROM THE BEGINNING OF NEGOTIATIONS THAT A 50-50 SPLIT OF THE WATER CROSSING THE BORDER IN EACH AND EVERY TRIBUTARY WAS EQUITABLE AND DESIRABLE. IT WAS APPARENT, HOWEVER, THAT THE SASKATCHEWAN POWER CORPORATION WAS PROCEEDING RAPIDLY WITH PLANS TO CONSTRUCT CORONACH DAM AND POWER PLANT AND THAT INSISTENCE ON A 50-50 SPLIT WOULD HAVE RESULTED IN NOT BEING ABLE TO REACH AN AGREEMENT AT ALL. THIS WOULD HAVE LEFT ANY DAMAGED PARTY IN THE UNITED STATES TO DEFEND HIMSELF IN THE COURTS OF CANADA.

THE AGREEMENT AS PROPOSED GIVES THE UNITED STATES ADVANTAGES THAT A 50-50 SPLIT WOULD NOT GIVE THEM. AT LEAST 60% OF THE NATURAL FLOW WILL ALWAYS BE ALLOWED IN THE MIDDLE FORK, AND GUARANTEED FLOWS WILL ALWAYS BE AVAILABLE IN THE EAST FORK EVEN IF DEVELOPMENT IN CANADA SHOULD SHIFT IN THE FUTURE FROM THE EAST POPLAR TO THE MIDDLE FORK. IT SHOULD BE POINTED OUT THAT THE U.S. MEMBERS HELD FIRM ON THE POSITION THAT WATER SHOULD NOT BE SPLIT ON THE MIDDLE FORK AND EAST POPLAR BASINS AS A UNIT WITHOUT THE CONDITIONS THAT ARE INCLUDED IN THE PROPOSAL. THE AGREEMENT INSURES THAT DEVELOPMENT OF THE EAST FORK WILL OCCUR AT A LEVEL THAT WILL INSURE ADEQUATE BASE FLOW AND A FLOW-ON-DEMAND THAT WILL BE PARTICULARLY HELPFUL IN DRY YEARS DURING THE IRRIGATION SEASON. THE MINIMUM FLOWS ESTABLISHED FOR THE EAST POPLAR ARE GREATER DURING SOME PERIODS THAN THE NATURAL FLOWS WOULD BE IF NO DEVELOPMENT OCCURRED IN CANADA. IRRIGATION FLOWS WHICH, WITH THIS AGREEMENT, WOULD BE AVAILABLE ON DEMAND WOULD EFFECTIVELY EXTEND THE IRRIGATION PERIOD, PARTICULARLY DURING DRY YEARS.

CONCERN HAS BEEN EXPRESSED OVER THE LOW PERCENTAGE OF

FLOW ALLOWED THE UNITED STATES ON THE EAST POPLAR RIVER. COMPARING FLOWS DURING LOW YEARS TO AVERAGE FLOWS, THE PERCENTAGE ALLOWED THE U.S. BY THE PROPOSED AGREEMENT IS RELATIVELY SMALL. HOWEVER, DUE TO THE WIDE FLOW VARIATIONS IN THIS AREA OF THE STATE, A COMPARISON OF ANY FLOW SITUATION TO THE AVERAGE YEAR CANNOT BE USED IN JUDGING THE VALUE OR APPROPRIATENESS OF ANY APPORTIONMENT AGREEMENT.

THIS CHART SHOWS THE REGULATED FLOWS THAT MONTANA WILL RECEIVE UNDER THE AGREEMENT, WITHOUT CONSIDERING THE SIZEABLE FLOOD-FLOW SPILLS THAT WILL OCCUR FROM THE EXISTING NEW DAM AT CORONACH. THE PROPOSED APPORTIONMENT AGREEMENT WOULD ONCE A YEAR, ON THE FIRST OF JUNE, SET LEVELS OF FLOW TO BE RELEASED TO THE UNITED STATES, DEPENDING ON WEATHER CONDITIONS AND THE RESULTING RUNOFF CONDITIONS THAT EXISTED IN THE PRECEDING MARCH-APRIL-MAY PERIOD. I HAVE CHARACTERIZED THOSE VARIOUS CONDITIONS AS VERY DRY, DRY, AVERAGE, AND WET. SHOWN IN THE "YEARS OF FLOW RECORDS" COLUMN ARE THE NUMBER AND APPROXIMATE PERCENTAGE OF YEARS IN THE PAST 43 YEARS OF RECORD THAT FALL INTO EACH OF THOSE CATEGORIES.

IN THE NEXT TWO COLUMNS ARE SHOWN THE NUMBER OF ACRE-FEET THAT WOULD BE SUPPLIED TO THE UNITED STATES ACCORDING TO THE PROPOSED AGREEMENT FOR THE ANNUAL PERIOD OF JUNE 1 THROUGH THE FOLLOWING MAY 31 AND FOR THE SUMMER PERIOD OF JUNE, JULY, AND AUGUST. AS I INDICATED EARLIER, THESE FIGURES DO NOT INCLUDE SPILLS OVER THE EXISTING DAM AT CORONACH, WHICH WOULD ADD A CONSIDERABLE AMOUNT TO THE FIGURES IN THE "JUNE THROUGH MAY" COLUMN DURING SOME OF THE AVERAGE AND MOST OF THE WET YEARS. THE FLOWS SHOWN IN THE "JUNE THROUGH MAY" COLUMN ARE THE GUARANTEED FLOWS; SPILLS ARE ESTIMATED TO OCCUR DURING 15 OF THE 43 YEARS OF RECORD INDICATED HERE, ASSUMING THAT ONE 300 MEGAWATT POWER PLANT IS IN OPERATION IN CANADA. MINOR SPILLS WOULD HAVE OCCURRED DURING THE SUMMER PERIOD IN ONLY TWO OF 43 YEARS OF RECORD IF THAT PLANT HAD THEN BEEN IN OPERATION.

CHART I

# EAST POPLAR RIVER

| Weather Condition | Years of Flow Records | | Regulated by Agreement (Acre-Feet) | |
|---|---|---|---|---|
| | Number | % | June Through May | June Through August |
| Very Dry | 9 | 20 | 1024 | 481 |
| Dry | 11 | 25 | 1405 | 862 |
| Average | 10 | 23 | 2129 | 1043 |
| Wet | 13 | 32 | 2629 | 1543 |
| | 43 | 100 | | |

The Department of Natural Resources and Conservation has made an analysis, shown in this second chart, of what would have happened in each year of known record under the proposed agreement, assuming that Canada makes full use of its share of the water. You will note that during June, July, and August the natural flows varied from 370 acre-feet in the driest year to 3962 in the wettest year. The regulated flows insure a more even distribution of flows over the years of record. In the lowest year the United States would receive 130 percent of the total natural flow even without any Canadian depletion. The last row shows the range and average in the percentage of natural flow that the regulated flow would produce over a 44-year span of record, calculated by dividing the total U.S. apportionment of flow for the three-month period by total natural flow during that period for each year of record. The percentages range from a low of 15 percent to a high of 407 percent and average 104 percent of the total natural flow being delivered to the United States during June, July, and August.

Please keep in mind that these percentages show the amount released of the total natural flow of the basin. If a 50-50 apportionment agreement had been reached, the U.S. would be receiving considerably less water during the low-flow periods than the proposed apportionment agreement would give.

In summary, I would like to point out that it is important to the State of Montana that an apportionment agreement be completed, that the proposed apportionment agreement has advantages for both countries, and that Montana's acceptance

CHART 2

# EAST POPLAR RIVER

## Range of Values for 44 Years of Record

| | June-July-August Period | | |
|---|---|---|---|
| | Low | Average | High |
| Natural Flow<br>Acre-feet | 370 | | 3962 |
| Regulated Flow<br>Acre-feet | 481 | | 1543 |
| $\frac{\text{Regulated Flow}}{\text{Natural Flow}} \times 100\%$ | 15% | 104% | 407% |

OF THE PROPOSED APPORTIONMENT IS CONTINGENT ON A CLEAR STATEMENT OF THE INTERNATIONAL JOINT COMMISSION THAT WATER QUALITY CONSIDERATIONS ARE NOT A PART OF THIS AGREEMENT.

# WATER QUALITY EFFECTS IN MONTANA OF CANADIAN DEPLETIONS IN THE POPLAR RIVER BASIN

Waters in the Poplar River Basin naturally contain relatively high concentrations of dissolved substances (Table 1). Because of these high concentrations, these waters are now only marginally suitable for irrigation (1). Other existing beneficial uses of that water include stock watering, domestic use and recreation.

Depletions within the Basin for evaporative cooling and irrigation will cause an increase in dissolved substances in the remaining water. Very simplistically, if one-half of the East Poplar River is evaporated, the concentration of dissolved substances in the remaining water will double. If impoundments are used, the actual increase in dissolved substances also will be affected by the amount and timing of any spills from the reservoirs.

Canadian simulations of the East Poplar River reservoir have been prepared. These assume that one power plant has been operating during the last 44 years and indicate that the concentration of dissolved substances in the reservoir discharge water would usually have been about 1.4 times the present average. During a series of low-water years, the concentrations would have been more than double the present values.

The present concentration of selected parameters are shown in Table 1. This table also contains the mean values for these selected parameters. However, the true mean values will vary from year to year -- those given are, at best, only estimates.

The impacts of depletions on uses of Poplar River water cannot be accurately predicted with the present data base. But preliminary predictions indicate severe impacts on irrigation are probable with lesser impacts possible on stock watering, domestic use and recreation.

Classification of waters for irrigation are of necessity somewhat arbitrary due to the many variables involved (i.e., surface water differences in quality and quantity, tolerance differences between species of plants, soil types and climates, syneristic and antagonistic relationships between ions and so forth). As a result, a specific analysis of salinity effects becomes quite complex. Attention is directed primarily to total dissolved solids or salinity (typically expressed as electrical conductance) which has osmotic effects and to trace substances (such as toxic metals) and particular ions and cations which may be toxic at high levels.

The classifications and criteria in Table 3 can be used to assess the current water quality status of the Poplar River relative to irrigation and to predict the possible impacts of Canadian depletions. Water quality criteria are summarized in Table 1. This summary is based on a limited amount of data since water quality information in the drainage is not extensive.

Most of the irrigated soils in the basin are moderate and slow to moderate in permeability (2), and the major crop, alfalfa, is moderately tolerant to salinity (3). Thus, the conductance of the irrigation waters should not exceed 1,500 micromhos and at this level, about 1.25 inches of water would have to be applied for every inch used by the plant so that excess salts would be leached from the soil. Even using the Canadian nominal increase figure of 1.4, the conductance will be over 1,800 $\mu$mhos. During prolonged periods of low flow, it would be over 2,500 $\mu$mhos. Both of these levels would preclude irrigation using present practices.

The allowable level of sodium depends upon the amount and kinds of clay in the irrigated soils. Montana research indicates the SAR of waters used for irrigation in the Poplar basin should not exceed eight (2). If the concentration of dissolved substances doubles, the SAR will be 5.6 which will still be below the recommended maximum of eight.

Doubling present boron levels would preclude irrigation of grain crops and would impact irrigation of alfalfa.

Based on total dissolved solids, waters in the Poplar drainage at the present time can be classed as good to excellent as use for livestock watering (3). This should also be the case after Canadian depletions even with relatively large salinity increases. However, the concentration of particular water quality parameters that are high on the streams now could become concentrated to such an extent as to be individually limiting for stock watering.

Acceptable levels of salinity for human consumption are more stringent than those for animals. The Public Health Service (4) suggests that waters with dissolved solids in excess of 500 milligrams per liter should not be used if other supplies are or can be made available. National Technical Advisory Board (5) suggests that 250 milligrams per liter of total dissolved solids is the desirable level in surface waters for public supply with 500 milligrams per liter being permissible. These levels are based primarily on taste. The criteria set for dissolved solids by the recent Federal Drinking Water Act are of a secondary nature and are a local responsibility. Acceptance of high total dissolved solids depends upon the local reaction and upon the availability of alternate sources.

Data in Table 2 indicate that shallow groundwater in the Scobey area and surface water in the Poplar area presently exceed the desirable and permissible levels set forth by the Public Health Service and the National Technical Advisory Board. This does not mean that this water is unusable for public and domestic supply, since concentrations are far below levels that would be absolutely limiting. Although Canadian depletions will further detract from aesthetic value of the water, it will not totally prohibit its use. Impact of the depletions on municipal and private water supplies will depend in essence upon what the local residents are willing to accept and expect aesthetically from their water supply. No predictions or recommendations can be made in this regard.

Based on information from various studies (6), a specific conductance of 3,000 micromhos may be the critical level of salinity for the successful maintenance of a viable and resident warm-water fishery. Water quality information of the Poplar River drainage (Table 1) indicates that specific conductances are well below this critical level. Supporting this, recent surveys of the Environmental Protection Agency and the Montana Department of Fish and Game (7) indicate that a viable and resident walleye and northern pike fishery does exist in the Poplar River.

Various predictions of possible salinity increases in the Poplar River system due to the Canadian depletions indicate that salinity could be increased to nearly 3,000 micromhos. Although some changes in the quantity and composition of dissolved solids could result in a change in the associated aquatic ecosystem, the resulting alterations of the biotic system are very difficult to predict (8). The Poplar River fishery should be continually monitored through the coming years to more definitely assess the impacts of Canadian developments on the biota of the stream.

Although the preceding discussion has centered upon the East Poplar River, the effects noted would also be experienced to a lesser degree on the Middle and West Forks under the proposed apportionment. Under the proposed apportionment, when the Canadians use their full share of the Poplar River waters, the impacts of the depletions could be felt the entire reach of the Poplar River. The increases in dissolved substances noted will take some years to occur. Canadian simulations indicate that it may take four or five years to actually reach the 1.4 increase value.

TABLE 1. SELECTED CHEMICAL PARAMETERS - EAST POPLAR RIVER AT INTERNATIONAL BOUNDARY

Preliminary Data from United States Geological Survey

| 1975 Month | Monthly Discharge Acre-feet | % of Yearly Discharge | TDS[1] mg/l | Boron mg/l | Calcium mg/l | Magnesium mg/l | Sodium mg/l | Sulfate mg/l | Specific Conductivity µmhos | SAR[2] | RSC[3] |
|---|---|---|---|---|---|---|---|---|---|---|---|
| January | 103 | 0.55 | 900E | 1.8* | 89E | 52E | 170E | 220E | 1,400E | 3.5E | 7.0E |
| February | 80 | 0.43 | 901* | 1.7* | 66* | 36* | 210* | 220* | 1,420* | 5.2* | 4.0E |
| March | 285 | 1.52 | 910 | 1.3 | 91 | 55 | 170 | 220 | 1,440 | 3.5 | 2.3 |
| April | 12,796 | 68.23 | 689 | 1.1 | 68 | 41 | 120 | 170 | 1,180 | 2.8 | 2.0 |
| May | 1,964 | 10.47 | 712 | 1.0 | 38 | 30 | 170 | 250 | 1,210 | 5.0 | 1.6 |
| June | 1,260 | 6.72 | 1,170 | 2.3 | 39 | 55 | 300 | 370 | 1,850 | 7.3 | 5.6 |
| July | 1,412 | 7.53 | 1,480 | 3.1 | 28 | 63 | 390 | 500 | 2,300 | 9.4 | 8.1 |
| August | 282 | 1.50 | 1,280 | 2.5 | 44 | 62 | 340 | 390 | 1,900 | 7.7 | 6.2 |
| September | 130 | 0.69 | 1,040 | 1.8 | 49 | 55 | 240 | 330 | 1,490 | 5.6 | 4.2 |
| October | 149** | 0.79 | 936 | 1.8 | 43 | 45 | 240 | 250 | 1,550 | 6.1 | 5.4 |
| November | 148** | 0.79 | 1,180 | 2.3 | 74 | 46 | 290 | 310 | 1,450 | 6.5 | 6.9 |
| December | 144** | 0.77 | 1,180 | 2.3 | 81 | 51 | 280 | 270 | 1,850 | 6.0 | 7.0 |
| Total | 18,753 | 99.99 | | | | | | | | | |
| True Mean $\bar{x}$ | | | 809 | 1.4 | 60 | 43 | 167 | 225 | 1,342 | 4.0 | 2.88 |

$$\left(\bar{x} = \frac{\Sigma \text{ \% of yearly discharges X monthly values}}{\text{total yearly discharge}}\right)$$

* 1976 data
E = Estimated
** 1974 flow data

[1]=total dissolved solids
[2]=sodium absorption ratio
[3]=residual sodium carbonate

Table 2. Comparison of the chemistry in Scobey well water from alluvial groundwater sources to water in the Middle and East Forks of the Poplar River (in mg/l).

| Parameter | Scobey Well (11/66)* | Surface Water Average | Middle Fork (9/75)** | East Poplar (12/74)** |
|---|---|---|---|---|
| Dissolved Solids | 850 | 965 | 1020 | 909 |
| Hardness | 220 | 335 | 230 | 440 |
| Calcium | 40 | 58 | 26 | 89 |
| Magnesium | 29 | 46 | 40 | 52 |
| Sodium + Potassium | 276 | 243 | 309 | 177 |
| Carbonate | 6 | 0 | 0 | 0 |
| Bicarbonate | 600 | 696 | 678 | 713 |
| Sulfate | 276 | 260 | 300 | 220 |
| Chloride | 18 | 8 | 11 | 5 |
| Nitrate | 1.8 | 2.1 | 0.03 | 3.9 |
| Fluoride | 0.4 | 0.5 | 0.6 | 0.3 |
| Iron | 2.9 | 0.24 | 0.03 | .45 |
| Lead | 0.0 | <.1 | --- | <.1 |
| Copper | 0.32 | 0.04 | --- | 0.04 |

* Data from the State Department of Health, Helena, Montana.

** Data obtained by the United States Geological Service, Helena, Montana.

TABLE 3

IRRIGATION CRITERIA

| CLASS | SC | TDS | SAR | RSC | $SO_4$*mg/l | Boron |
|---|---|---|---|---|---|---|
| I | <500-1,000* | <700 | <1.0-4.2* | <1.25 | <4-10 | <1 |
| II | 500-3,000 | 350-2,100 | 1.0-11.6 | 1.25-2.50 | 4-20 | 1-2 |
| III | 72,500-3,000 | >2,500-3,000 | >9-11.6 | >2.50 | 712-20 | 2-3 |

*Recent work supports the upper limit

I-Excellent to good, suitable for most plants under most conditions

II-Good to injurious, harmful to some plants under certain conditions

III-Injurious to unsatisfactory, unsuitable under most conditions

Modified from 6

SC - specific conductivity
TDS - total dissolved solids
SAR - sodium absorption ratio
RSC - residual sodium carbonate

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POTENTIAL EFFECTS OF SASKATCHEWAN POWER CORPORATION DEVELOPMENT ON FISHERIES IN THE POPLAR RIVER BASIN

Prepared by the Montana Department of Fish and Game

Although Montana is usually known for exceptional trout fishing streams in Western and Central Montana, we are just as proud and protective of our Eastern prairie streams.

The Poplar River is such a stream. We are gravely concerned for its future. Prairie streams, by their very nature, are fragile and consequently vulnerable to changes in the natural order of things. Typically, they are small rivers draining immense country and subject to wide natural variation in flows. These variations shape their channels, scour the long, deep pools and recharge the flood plain aquifers. During the predictable dry period of late summer and the long winter, these features of the typical prairie stream sustain the aquatic life of the system. The slow draining of the aquifer sustains the aquatic community in dry periods; the deep pools provide protection and habitat for what we are learning is an important fishery resource. Any substantial alteration of this normal sequence of events threatens the entire river system we are committed to protecting.

Over the years, Montanans have learned to live with this natural system, using it to water their livestock, irrigate their crops and appreciate and utilize the varied fish and wildlife resource it provides. The people of Northeastern Montana have done this without seriously degrading or impairing the natural gift and amenities that the Poplar River represents.

We fear that the recommended apportionment for the East Fork of the Poplar River may not be sufficient to sustain that stream's fishery. We recognize that the recommendation will provide more water to the stream during the dry season. However, we also recognize that we are assured delivery of only 15% of the mean annual flow.

Streams like the Poplar require high water flows in the spring. Such high quality spring flows flush deposited materials from the long, deep pools that characterize prairie streams. Without these flows, the process of eutrophication is hastened, with an attendant loss of water quality and resident fisheries.

It is projected that additional water in the form of spills will be provided for the East Fork in 16 of 44 years. This additional water has been included in the recommendation to balance the apportionment. To provide an equitable division of water, absolute assurance should be provided for delivery of this spilled water at times that correspond to historic periods of high stream flow. Assurance of releases of superior quality spring water will maintain stream channel integrity and will provide better quality water for all downstream purposes. Flow regimens that generally resemble existing conditions, particularly with reference to spring flows, are essential if existing sport fisheries and water quality are to be maintained.

At present, the apportionment agreement does not indicate the schedule of flows planned for the East Fork, other than the assurance of a steady flow. We request a more explicit indication of the extent and timing of releases to the East Fork. We also request that the IJC include within the charge of the Board of Control a specific responsibility to consider the needs of the fishery and

of recreational use of the Poplar River in determining the timing and nature of releases to the East Fork.

The Middle Fork Poplar River contains one of the most important segments of the Poplar sport fishery. To maintain a quality fish population in the Middle (and West) Fork, a detailed plan for water release must be developed. Here again, greater consideration must be given to duplication of seasonal flow patterns.

The apportionment recommendations do not indicate the fate of the Middle and West Forks of the Poplar River. Some clarification is necessary in light of the possibility that energy development at the Coronach site will expand, and demands for industrial water will increase. It is understood that stream gauging will occur at the international boundary, but a plan must be developed to reveal methods of determining and validating apportionment in relation to instantaneous discharge. Further, provisions for gauging future storage or diversions on the Middle and West Poplar should be delineated in order to determine downstream flows. Future investigations should include consideration of inter-basin transfers as an alternative to increased industrial use of Poplar River waters.

Although an impressive list of proposed environmental studies was described in the Saskatchewan Power Corporation report entitled "Poplar River Generating Station Outline of Proposed Project and Environmental Studies", these studies either were not conducted or the results have not been publicized. Receipt of this information is essential to our evaluations.

Water apportionment needs may vary depending on future water quality changes. Therefore, we strongly recommend that a public review process be established to consider, each year, all facets of this project, with provision

for modifications as deemed necessary. Perhaps this responsibility, too, could be included within the purview of the Board of Control.

Environmental factors such as water quality, air quality, and groundwater will be of major significance in determining overall impacts associated with the Poplar River project. It is, therefore, recommended that the International Joint Commission direct immediate attention toward these impacts.

# Poplar River Thermal Generating Station
# Air Quality Analysis

by
Jim Gelhaus, Air Pollution Meteorologist

The following analysis describes the predicted impact and related air quality issues of northeastern Montana affected by the proposed Poplar River power plants at Coronach, Saskatchewan. The analysis looks at three possible scenarios of development. These are the construction of one, two, and four 300 MW coal-fired power plants of identical design specifications.

Diffusion modeling was performed on the three scenarios based on coal analysis performed by the Montana Air Quality Bureau; sulfur retention figures derived from the test burn of the Willow Bunch coal; and the meteorology and plant specifications provided by the Canadian officials. The results of the analysis may differ somewhat from previously reported results as several important factors regarding the sulfur dioxide and particulate emissions have changed.

The results of the diffusion modeling analysis are summarized in Table A. The table also compares the predicted ground level concentrations of pollutants with the ambient air quality standards and the federal regulation for prevention of significant deterioration. The results show that with the first scenario (one 300 MW facility) no violations of ambient air quality standards for the U. S. side of the border are predicted. The maximum one-hour sulfur dioxide concentration predicted is 466 micrograms per cubic meter. The maximum 24-hour particulate concentration predicted is 147.0 micrograms per cubic meter. With the development of a second 300 MW facility, the Montana one-hour sulfur dioxide standard is predicted to be exceeded. The maximum one-hour sulfur dioxide concentration predicted is 932.0 micrograms per cubic meter. This compares with the Montana standard of 655. The 1200 MW facility exceeds many of the sulfur dioxide and particulate standards. All three scenarios exceed the Saskatchewan standards to some degree but the diffusion modeling was performed for south of the border and the standards do not apply there. Figure A shows the area of predicted maximum sulfur dioxide concentrations along with the wind rose from the nearest surface weather station. From these the area that the greatest frequency of high concentrations can be seen. This is the area north and northeast of Scobey.

Looking just at the first scenario, or 300 MW, the greatest effect will be on the allowable increase under the federal regulation for the prevention of significant deteriotation. The allowable increment is a one time only increase which when "used up" by a facility or facilities, prevents other major development from being constructed in the area. The proposed Poplar River plant is predicted to "use up" the entire sulfur dioxide increment available. The area could be proposed for redesignation to Class III under the regulation but this would allow degradation up to the federal air quality standards. Since this is a highly agricultural area, the Class II remaining in effect is important for the protection of vegetation or crops. With better sulfur dioxide control, the Class II increment would not be entirely used up; other developments including the other scenarios could be constructed; and the agriculture would remain protected.

A final area of concern for the area is the effect of the power plant emissions on human health. The accompanying tables compare respiratory health statistics for the counties of northeastern Montana. Further degradation of the

air quality could severely affect the respiratory disease rate in this area. The tables show that all three counties have a high death rate for circulatory diseases when compared to the rate for all of Montana. Also, Sheridan County has a high death rate from cancer of the respiratory system whereas Roosevelt County has a high rate for pneumonia. All of these conditions can be aggravated by air pollution. The exact cause of the high levels present now is unknown. The study is being conducted by Dennis Haddow of the Montana Air Quality Bureau and will not be completed for some time yet.

Table A

Predicted Ground Level Concentrations
Due to the Poplar River Power Plants

| Predicted Concentration | Development Scenario I (300 MW) | II (600 MW) | III (1200 MW) | Ambient Air Quality Standards Montana | Federal | Federal Class II PSD* | Saskatchewan |
|---|---|---|---|---|---|---|---|
| Sulfur Dioxide (total) | | | | | | | |
| 1-hour | 466.0 | 932.0 | 1864.0 | 655 | --- | --- | 450 |
| 3-hour | 289.0 | 578.0 | 1156.0 | --- | 1300 | 700 | --- |
| 24-hour | 116.5 | 233.0 | 466.0 | 262 | 365 | 100 | 150 |
| Particulate Matter | | | | | | | |
| 24-hour (increase) | 15.0 | 30.0 | 60.0 | --- | --- | 30 | --- |
| Total (increase + background level) | 147.0 | 162.0 | 192.0 | 200 | 260 | --- | 120 |

*Federal Class II PSD - Federal regulation for the prevention of significant deterioration

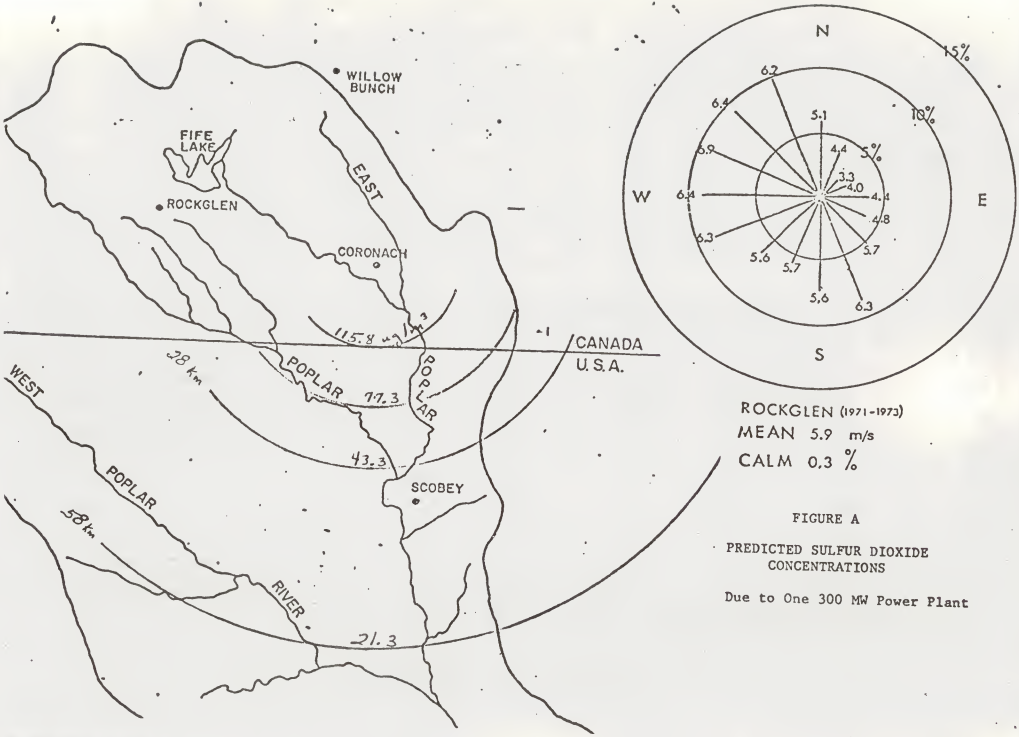


FIGURE A

PREDICTED SULFUR DIOXIDE CONCENTRATIONS

Due to One 300 MW Power Plant

Table B

Sheridan County Death Rates

| | Rate* | Number** | Level of Significance | State Rate | Comparison to State Rate |
|---|---|---|---|---|---|
| Circulatory Diseases | | | | | |
| All Ages | 629.3 | 183 | ++ | 479.4 | 31% higher |
| Male | 756.8 | 112 | ++ | 556.0 | 36% higher |
| Female | 479.2 | 71 | | 402.8 | 19% higher |
| Ages 40-64 | 274.5 | 24 | | 383.2 | |
| Male | 417.3 | 19 | | 555.9 | |
| Ages 65 & over | 4589.0 | 158 | + | 3744.6 | 23% higher |
| Male | 5529.1 | 93 | | 4397.5 | 26% higher |
| Female | 3695.3 | 65 | | 3190.4 | 16% higher |
| CerebroVascular Disease | | | | | |
| All Ages | 79.1 | 23 | | 103.8 | |
| Male | 73.4 | 11 | | 101.8 | |
| Female | 84.0 | 12 | | 105.9 | |
| Ages 65 & over | 609.9 | 21 | | 895.5 | |
| Male | 594.5 | 10 | | 939.4 | |
| Female | 625.4 | 11 | | 858.8 | |
| Cancer of Respiratory System | | | | | |
| All Ages | 58.5 | 17 | + | 30.1 | 94% higher |
| Male | 101.8* | 16 | + | 49.4 | 106% higher |
| Ages 65 & over | 319.5 | 11 | | 151.1 | 111% higher |
| Male | 654.0 | 11 | + | 275.8 | 137% higher |
| Respiratory Disease | | | | | |
| All Ages | 72.2 | 21 | | 65.4 | 10% higher |
| Male | 101.4 | 15 | | 88.4 | 15% higher |
| Ages 65 & over | 319.5 | 11 | | 457.4 | 30% lower |
| Asthma, Emphysema & Bronchitis | | | | | |
| All Ages | 37.8 | 11 | | 22.4 | 69% higher |
| Male | 74.3 | 11 | | 35.7 | 108% higher |

*Deaths per 100,000 population
**Numbers taken from 1969-1973 death certificates

+Significant at 1% level: Chi-Square 6.63-10.82
++Significant at 0.1% level: Chi-Square greater or equal to 10.83

Table C

Roosevelt County Death Rates

| | Rate* | Number** | Level of Significance | State Rate | Comparison to State Rate |
|---|---|---|---|---|---|
| Circulatory Disease | | | | | |
| All Ages | 617.6 | 324 | ++ | 479.4 | 29% higher |
| Male | 777.5 | 203 | ++ | 556.0 | 40% higher |
| Female | 459.1 | 121 | | 402.8 | 14% higher |
| Ages 40-64 | 581.8 | 76 | ++ | 383.2 | 52% higher |
| Male | 878.0 | 58 | ++ | 555.9 | 58% higher |
| Female | 278.8 | 18 | | 207.7 | 34% higher |
| Ages 65 & over | 4780.6 | 243 | ++ | 3744.6 | 28% higher |
| Male | 5843.9 | 143 | ++ | 4397.5 | 33% higher |
| Female | 3797.9 | 100 | | 3190.4 | 19% higher |
| CerebroVascular Disease | | | | | |
| All Ages | 114.4 | 60 | | 103.8 | |
| Male | 103.4 | 27 | | 101.8 | |
| Female | 125.2 | 33 | | 105.9 | |
| Ages 65 & over | 1042.7 | 53 | | 895.5 | |
| Male | 899.1 | 22 | | 939.4 | |
| Female | 1177.4 | 31 | | 858.4 | 37% higher |
| Cancer of Respiratory System | | | | | |
| All Ages | 21.0 | 11 | | 30.1 | |
| Male | 38.3 | 10 | | 49.4 | |
| Respiratory Disease | | | | | |
| All Ages | 83.9 | 44 | | 65.4 | 28% higher |
| Male | 84.3 | 22 | | 88.4 | |
| Female | 83.5 | 22 | + | 42.4 | 97% higher |
| Ages 65 & over | 570.5 | 29 | | 457.4 | 25% higher |
| Male | 653.9 | 16 | | 689.4 | |
| Female | 493.7 | 13 | | 259.8 | 90% higher |
| Pneumonia | | | | | |
| All Ages | 70.5 | 37 | ++ | 30.5 | 131% higher |
| Male | 65.1 | 17 | | 36.1 | 80% higher |
| Female | 75.9 | 20 | ++ | 24.9 | 205% higher |
| Ages 65 & over | 511.5 | 26 | ++ | 224.2 | 128% higher |
| Male | 572.1 | 14 | + | 285.0 | 101% higher |
| Female | 455.8 | 12 | ++ | 172.5 | 164% higher |

*Deaths per 100,000 population
**Numbers taken from 1969-1973 death certificates

+Significant at 1% level: Chi-Square 6.63-10.82
++Significant at 0.1% level: Chi-Square greater than or equal to 10.83

Table D

Daniels County Death Rates

| | Rate* | Number** | Level of Significance | State Rate | Comparison to State Rate |
|---|---|---|---|---|---|
| Circulatory Diseases | | | | | |
| All Ages | 865.5 | 134 | ++ | 479.4 | 81% higher |
| Male | 900.1 | 78 | ++ | 556.0 | 62% higher |
| Female | 736.4 | 56 | ++ | 402.8 | 83% higher |
| Ages 40-64 | 485.9 | 22 | | 383.2 | 27% higher |
| Male | 774.5 | 18 | | 555.9 | 39% higher |
| Ages 65 & over | 4895.1 | 112 | + | 3744.6 | 31% higher |
| Male | 5366.7 | 60 | | 4397.5 | 22% higher |
| Female | 4452.1 | 52 | | 3190.4 | 40% higher |
| CerebroVascular Disease | | | | | |
| All Ages | 108.8 | 28 | + | 103.8 | 5% higher |
| Male | 190.4 | 15 | | 101.8 | 87% higher |
| Female | 170.9 | 13 | | 105.9 | 61% higher |
| Ages 65 & over | 1005.2 | 23 | | 895.5 | 12% higher |
| Male | 1070.3 | 12 | | 939.4 | 14% higher |
| Female | 941.8 | 11 | | 858.8 | 10% higher |

*Deaths per 100,000 population
**Numbers taken from 1969-1973 death certificates

+Significant at 1% level: Chi-Square 6.63-10.82
++Significant at 0.1% level: Chi-Square greater than or equal to 10.83

LC 0892

Hopkins JOINT RESOLUTION NO. 52

INTRODUCED BY Bradley, Stutz, Murphy, Travis
VINCENT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA CALLING ON THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO COLLECT BASELINE DATA ON THE QUALITY OF WATER AND AIR IN THE POPLAR RIVER AREA AND TO STUDY POSSIBLE EFFECTS OF THE POPLAR RIVER POWER PROJECT ON AIR AND WATER QUALITY IN MONTANA.

WHEREAS, Canadian officials are proceeding in the construction of the Poplar River Power Project at an accelerated pace, and

WHEREAS, there are indications that the pollution control technology to be used in the Poplar River Power Project will be similar to those used at the Boundary Dam Plant in Estaven, and

WHEREAS, the existing facilities at Estaven have only dust-gathering equipment with no attempt being made at particulate or gas removal from the stack effluents, and

WHEREAS, the project at Poplar River will utilize flow through cooling and no consideration has been given to closed cyclo cooling, and

WHEREAS, past studies indicate that any future increase of dissolved solids or salinity in the Poplar River will have extremely detrimental effects, and

WHEREAS, the quantity and quality of the water in the Poplar River is of the utmost importance to Montanans, and

WHEREAS, the Canadian government has yet to promulgate any air quality standards in stark contrast to the governments of both this state and nation, and

WHEREAS, the Poplar River Project will in all liklihood have an effect upon the quality of air and water in Montana, and

WHEREAS, pollution from a source outside of the United States is an international matter which requires action by the government of the United States in accordance with Article I, section 9, of the Constitution of the United States, and

WHEREAS, the United States has declared its intention to "restore and maintain the chemical, physical, and biological integrity of the nation's waters" and to "protect and enhance the quality of the nation's air resources so as to promote the public health and welfare and the productive capacity of its population", and

WHEREAS, the primary responsibility in attaining these purposes has been placed at the national level with the Environmental Protection Agency.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Administrator of the Environmental Protection Agency, Russell Train, and the Regional Director of the Environmental Protection Agency are called upon to gather baseline data on the quality of air and water in the Poplar River area.

BE IT FURTHER RESOLVED, that the Environmental Protection Agency ascertain what effects, if any, the Poplar River Project will have upon the health and well-being of American citizens living in the Poplar River area.

BE IT FURTHER RESOLVED, that copies of the results of such study be forwarded to the Secretary of State of the United States, the Governor of Montana, and the Director of the Montana Environmental Quality Council.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to send copies of this joint resolution to the Administrator and the Regional Director of the Environmental Protection Agency, and to the Honorable Mike Mansfield, and Lee Metcalf, Senators from the State of Montana, and the Honorable John D. Melcher and Max Baucus, Congressmen from the State of Montana along with a request that copies of this resolution be transmitted to the appropriate federal agencies.

-End-

# Montana Inter-Tribal Policy Board

Cisel Hall, Box 564, Eastern Montana College
Billings, Montana 59101

Gilbert Horn
Chairman

Tom Pablo
1st Vice Chairman

2nd Vice Chairman

Roland Kennerly
Secretary-Treasurer

RESOLUTION NO. 76-1

WHEREAS: The Montana Inter-Tribal Policy Board has been organized to represent, develop, protect, and advance the views, interests, and resources of the Indian people in the State of Montana; and

WHEREAS: The Montana Inter-Tribal Policy Board has carefully reviewed the attached resolution submitted by the Fort Peck Executive Board; and

WHEREAS: It was the consensus of the Montana Inter-Tribal Policy Board that this resolution is in the best interest of not only the Fort Peck Tribe, but of all tribes in the State of Montana;

NOW, THEREFORE, BE IT RESOLVED:
That the Montana Inter-Tribal Policy Board strongly endorses the resolution from the Fort Peck Tribe on protecting the Fort Peck's Tribes rights to the full natural flow of the Poplar River.

C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was adopted by the Montana Inter-Tribal Policy Board during a duly called noticed, and convened meeting held in Billings, Montana, on January 16, 1976, with five (5) Tribes present constituting a quorum. All voting for.

Gilbert Horn
Gilbert Horn, Chairman
Montana Inter-Tribal Policy Board

Attest:
Roland Kennerly
Roland Kennerly, Secretary/Treasurer
Montana Inter-Tribal Policy Board

ereas, the Saskatchewan Power Corporation in the Province of Saskatchewan, Canada is constructing a dam and power generating plant several miles north of the United States Border on the East Fork of the Poplar River , and

Whereas, this development will create Environmental impacts adverse to the Poplar River Basin which river flows through the Fort Peck Indian Reservation in Montana, and will cause diminishment of water quantity and quality, both to surface and sub-surface waters and pollution of air quality and other effects to the Fort Peck peoples not presently accounted for, and

Whereas, the Fort Peck Tribe has paramount rights to the present and future use of waters which are geographically related to our reservation as to the quantity and quality under the Supreme Court Case of Winter vs. United States, and

Whereas, we, the Fort Peck Tribes have plans and specifications prepared by private technical engineering consultants for the use of all of the waters within the Poplar River Basin for multi-purpose beneficial uses so that we can maintain a viable economy and protect the health and welfare of our people, and,

NOW THEREFORE BE IT RESOLVED: that (1) An Environmental Impact Statement be prepared by EPA and the State of Montana prior to any final apportionment agreement on the Poplar River with duly called public hearings and (2) that no apportionment be made until the Fort Peck Tribes are assured that there will be no adverse effects to our water quality or quantity, surface or sub-surface, or our air quality and air quality quota for pollutants, and (3) that we receive the FULL NATURAL FLOW upon the reservation of the Poplar River at our proposed reservoir (Site no. 2 (approximately in the sum of an annual average flow of 87,000 acre feet).

AND BE IT FURTHER RESOLVED: that this resolution be delivered to and sent to all of the Federal, State, Congressional and International offices necessary to fully inform the public and the governments of our tribal position.

CERTIFICATION:

(passed by Ft Peck Tribal Executive Board 1-5-76/
To be certified by tribe in regular process)

MONTANA ENVIRONMENTAL QUALITY COUNCIL
CAPITOL STATION
HELENA, MONTANA 59601
JOHN W. REUSS, EXECUTIVE DIRECTOR

GOV. THOMAS L. JUDGE
HOUSE MEMBERS
THOMAS O. HAGEN, CHAIRMAN
WILLIAM M. DAY
GARY S. FIMBEL
A. T. RASMUSSEN
SENATE MEMBERS
LARRY M. ASAY
TERRY MURPHY
EDD SMITH
MARGARET S. WARDEN
APPOINTED MEMBERS
C. W. DESCHAMPS
CHARLES DOHENY
HARRIET HARRILL
JACK D. REINBERG

April 6, 1976

The Honorable Henry Kissinger
Secretary of State
Department of State
Washington, D. C. 20520

Dear Mr. Secretary:

Please find attached a copy of the recommendation unanimously adopted by the Montana Environmental Quality Council concerning the proposed developments of the Saskatchewan Power Corporation.

At its meeting in Helena on April 2, 1976, the Council reviewed the proposed developments with state officials and residents of the affected area. The Council believes that immediate action leading to a bilateral reference to the International Joint Commission should be taken. This should include forming bilateral task forces so that all transboundary effects of the mining, the power plant, the dam and reservoir, and all ancillary facilities are thoroughly assessed. The Council also urges that these bilateral task forces include strong input from Montana citizens and public officials.

The Council considers this matter extremely important and requests that it receive your prompt attention.

Sincerely yours,

JOHN W. REUSS
Executive Director

cc: Hon. Thomas Kleppe
Hon. Russell Train
Hon. Thomas Judge
Hon. Bill Christiansen
Hon. Mike Mansfield
Hon. Lee Metcalf
Hon. John Melcher
Hon. Max Baucus
Hon. Arthur Link
Hon. Milton Young
Hon. Quentin Burdick
Hon. Mark Andrews
Mr. John Green
Mr. Richard D. Vine
Mr. Louis Janowski

MONTANA ENVIRONMENTAL QUALITY COUNCIL
CAPITOL STATION
HELENA, MONTANA 59601
JOHN W. BERGS, EXECUTIVE DIRECTOR

GOV. THOMAS L. JUDGE
(OR DESIGNATED REPRESENTATIVE)
STEVEN DRIGGS

[illegible] MEMBERS
THOMAS C. HAGER, CHAIRMAN
WILLIAM SWAN
GEORGE ROSE
A. J. [illegible]

SENATE MEMBERS
LARRY M. ALLEN
TERRY MURPHY
ED SMITH
MARGARET S. WARDEN

APPOINTED MEMBERS
G. W. DESCHAMPS
CHARLES DOHENY
HARRIET MARBLE
JACK D. REHBERG

April 2, 1976

ENVIRONMENTAL QUALITY COUNCIL RECOMMENDATION

The Montana Environmental Quality Council unanimously recommends an immediate bilateral reference to the International Joint Commission of all the potential transboundary effects of the proposed Saskatchewan Power Corporation development in the Poplar River drainage. It is the intent of this resolution that all of the transboundary effects of the mining, the power plant, the dam and reservoir and all the ancillary facilities be included in the terms of reference.

Because of the urgency of this effort, we suggest that binational task forces be formed very soon to address the various areas of concern and that they include strong input from Montana citizens and public officials. The Council also urges that full consideration be given to the public hearings process as necessary data on which to make judgments are being developed.

RESOLUTION #1-76-1

TRIBAL GOVERNMENT
Land & Resources

WHEREAS, the Saskatchewan Power Corporation in the Province of Saskatchewan, Canada is constructing a dam and power generating plant several miles north of the United States Border on the East Fork of the Poplar River, and

WHEREAS; this development will create Environmental impacts adverse to the Poplar River Basin which river flows through the Fort Peck Indian Reservation in Montana, and will cause diminishment of water quantity and quality, both to surface and sub-surface waters and pollution of air quality and other effects to the Fort Peck peoples not presently accounted for, and

WHEREAS; the Fort Peck Tribe has paramount rights to the present and future use of waters which are geographically related to our reservation as to the quantity and quality under the Supreme Court Case of Winter vs. United States, and

WHEREAS; we, the Fort Peck Tribes have plans and specifications prepared by private technical engineering consultants for the use of all of the waters within the Poplar River Basin for multi-purpose beneficial uses so that we can maintain a viable economy and protect the health and welfare of our people, and,

NOW, THEREFORE, BE IT RESOLVED; that (1) an Environmental Impact Statement be prepared by EPA and the State of Montana prior to any final apportionment agreement on the Poplar River with duly called public hearings and (2) that no apportionment be made until the Fort Peck Tribes are assured that there will be no adverse affects to our water quality or quantity, surface or sub-surface, or our air quality and air quantity quota for pollutants, and (3) that we receive the FULL NATURAL FLOW upon the reservation of the Poplar River at our proposed reservoir site No. 2 (approximately in the sum of an annual average flow of 87,000 acre feet).

AND, BE IT FURTHER RESOLVED; that this resolution be delivered to and sent to all of the Federal, State, Congressional and International offices necessary to fully inform the public and the governments of our tribal position.

CERTIFICATION BY LAND & RESOURCES COMMITTEE

I, Chairman, Land and Resources Committee, of the Tribal Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, hereby certify that the committee is composed of 6 voting members of whom 6 constituting a quorum were present at a meeting duly called and convened this 15th day of January, 1976; that the foregoing resolution was unanimously adopted.

Chairman, Land & Resources Committee

CONCURRENCE:

Norman Hollow, Chairman
Fort Peck Tribal Executive Board